

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Design Patent of:)	
)	
David B. Gill)	
)	
Patent No. 7,147,256 B2)	Examiner: Carlos Lugo
)	
Issued December 12, 2006)	Art Unit: 3676
)	
Application No. 10/811,064)	Confirmation No. 8082
)	
Filed March 26, 2004)	
)	
For: Fold Down Window Operator)	

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
Attn: Certificate of Corrections Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction to correct three mistakes in the above-identified patent. PTO Form 1050 is appended. The complete Certificate of Correction involves one page.

Specifically, please make the following corrections to the claims:

Claim 29, column 13, line 56, delete "die" and insert -- the --

Claim 29, column 13, line 57, delete "has knob" and insert -- has a knob --

Claim 46, column 15, line 16, delete "die" and insert -- the --

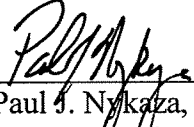
Applicant believes the mistakes occurred due to a PTO error. In support, attached please find the Reply to the Office Action Mailed May 10, 2006, which was submitted on August 10, 2006. As the mistakes occurred due to a PTO error, no fees are due in connection with the filing of this Request for Certificate of Correction.

U.S. Patent No. 7,147,256
Request for Certificate of Correction
Page 2

Issuance of the Certificate of Correction containing these corrections is respectfully requested.

Respectfully submitted,

Date: January 17, 2008

By: 

Paul J. Nykaza, Registration No. 38,984
Banner & Witcoff, Ltd.
10 South Wacker Drive, Suite 3000
Chicago, Illinois 60606
312-463-5000

(1302953)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,147,256 B2

APPLICATION NO.: 10/811,064

ISSUE DATE : December 12, 2006

INVENTOR(S) : David B. Gill

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Claim 29, column 13, line 56, delete "die" and insert -- the --

Claim 29, column 13, line 57, delete "has knob" and insert -- has a knob --

Claim 46, column 15, line 16, delete "die" and insert -- the --

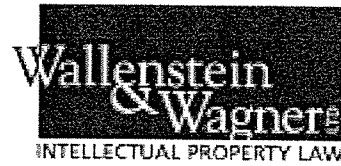
MAILING ADDRESS OF SENDER (Please do not use customer number below):

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Chicago, IL 60606-7407

Attorney Docket No. 501247.00433

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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FACSIMILE TRANSMITTAL SHEET

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Examiner C. Lugo	Gregory G. Schlenz
COMPANY:	DATE:
USPTO	August 10, 2006
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-273-8300	15
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	Attorney Docket No. 1247C P 433
RE:	
U.S. Patent Application No. 11/811,064	

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Should you have any problems with receipt of this facsimile transmission, please contact Sarah at (312) 554-3300.

Message:

In re Application of: David B. Gill
Application No. 11/811,064
Confirmation No. 8082
Filed: March 26, 2004
For: FOLD DOWN WINDOW OPERATOR

Attachments:

Amendment Transmittal, 2 pages (in duplicate)
Reply to Office Action Mailed May 10, 2006 (12 pages)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David B. Gill

Application No.: 10/811,064

Confirmation No.: 8082

Filed On: March 26, 2004

For: FOLD DOWN WINDOW OPERATOR

Examiner: Carlos Lugo

Art Unit: 3676

REPLY TO OFFICE ACTION MAILED MAY 10, 2006

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

This is a Reply to the Office Action mailed May 10, 2006. The original period of response to the Office Action is a shortened statutory period of three (3) months from the mailing date. Accordingly, the time period for response is August 10, 2006, and this Reply is submitted within that time limit. Applicant respectfully requests reconsideration and allowance of the pending claims in the present Application in view of the Amendments and Remarks below.

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 9 of this paper.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) An operator for a rotatable spindle, comprising:
 - a hub, the hub having a receiver and an arm extending from the receiver, the receiver adapted to connect to the spindle; and
 - a handle having a base and a pair of sidewalls extending from the base, wherein the base and sidewalls define a cavity, the base having a top surface and a generally opposed bottom surface;
 - a leaf spring connected to the handle, the leaf spring positioned between the sidewalls and having ~~a surface generally~~ an entire length of the leaf spring confronting the bottom surface of the base and ~~an opposite surface generally~~ at least a part of the entire length of the leaf spring confronting the arm;
 - wherein the handle is pivotally connected to the arm, the handle pivotable between a closed position wherein ~~a portion of the receiver is~~ the hub is substantially positioned within the cavity, and an open position, wherein ~~the receiver~~ a portion of the hub is substantially outboard of the cavity.
2. (Canceled)
3. (Previously Presented) The operator of claim 1 wherein the handle further comprises a knob rotatably connected to the base.
4. (Original) The operator of claim 1 wherein the receiver has a bore adapted to receive a portion of the spindle.
5. (Previously Presented) The operator of claim 1 wherein the leaf spring retains the handle in the open position.
6. (Canceled)
7. (Currently Amended) The operator of claim 1 wherein the leaf spring is positioned in spaced relationship from an engagement surface of a nose on the arm.

8. (Original) The operator of claim 1 further comprising a pin, wherein the pin pivotally connects the handle to the arm.
9. (Previously Presented) The operator of claim 1 wherein the leaf spring is in spaced relationship from a mating surface of the arm and wherein the handle is movable to a deployed position such that the leaf spring is brought into engagement with the mating surface.
10. (Original) The operator of claim 9 wherein an intermediate position is defined between the closed position and the open position, wherein the arm flexes the leaf spring when the handle is in the intermediate position.
11. (Original) The operator of claim 10 wherein the flexing of the leaf spring provides tension that supports the weight of the handle.
12. (Original) The operator of claim 10 wherein the arm flexes the leaf spring as the handle moves towards the open position to thereby provide a force of frictional engagement between the spring and the mating surface.
13. (Previously Presented) The operator of claim 9 wherein the handle drops back to the closed position when the handle moves from the intermediate position to the closed position and the leaf spring is no longer engaged with the mating surface.
14. (Previously Presented) The operator of claim 1 wherein the leaf spring is un-flexed when the handle is in the closed position.
15. (Previously Presented) The operator of claim 1 wherein the leaf spring is un-flexed when the handle is in the open position.
16. (Currently Amended) A fold down operator for a rotatable spindle of a casement window assembly, the operator comprising:
 - a hub, the hub having a receiver and an arm extending from the receiver, the receiver adapted to connect to the spindle;
 - a handle having a base and a pair of sidewalls extending from the base, wherein the base and sidewalls define a cavity, the base having a top surface and a generally opposed bottom surface;
 - a leaf spring connected to the handle, the leaf spring positioned between the sidewalls and having ~~a surface generally~~ an entire length of the leaf spring confronting the bottom surface

of the base and ~~an opposite surface generally~~ at least a part of the entire length of the spring confronting the arm;

wherein the handle is pivotally connected to the arm, the handle pivotable between a closed position wherein ~~a portion of the receiver is~~ the hub is substantially positioned within the cavity, and an open position, wherein ~~the receiver~~ a portion of the hub is outboard of the cavity.

17. (Original) The operator of claim 16 further comprising a pin, wherein the pin pivotally connects the handle to the arm.

18. (Original) The operator of claim 16 wherein the arm is positioned within the cavity when the handle is in the closed position.

19. (Original) The operator of claim 16 wherein the entire receiver is positioned within the cavity when the handle is in the closed position.

20. (Canceled)

21. (Canceled)

22. (Canceled)

23. (Previously Presented) The operator of claim 16 wherein the leaf spring confronts the arm as the handle is pivoted from the closed position to the open position, to maintain the handle in the open position.

24. (Canceled)

25. (Previously Presented) The operator of claim 16 wherein an intermediate position is defined between the closed position and the open position, wherein the arm flexes the leaf spring when the handle is in the intermediate position.

26. (Original) The operator of claim 25 wherein the flexing of the leaf spring provides tension that supports the weight of the handle.

27. (Original) The operator of claim 25 wherein the arm flexes the leaf spring in a second portion of the intermediate position as the handle moves towards the closed position providing tension that supports the weight of the handle.

28. (Original) The operator of claim 25 wherein the handle snaps into the open position when the handle moves from the intermediate position to the open position.

29. (Previously Presented) The operator of claim 16 wherein the leaf spring is un-flexed when the handle is in the closed position.

30. (Previously Presented) The operator of claim 16 wherein the leaf spring is un-flexed when the handle is in the open position.

31. (Currently Amended) A fold down operator for a rotatable spindle of a rotary device for a casement window assembly, the operator comprising:

a hub, the hub having a receiver and an arm extending from the receiver, the receiver adapted to connect to the spindle, the arm having an opening;

a handle having a base and a pair of sidewalls extending from the base, wherein the base and sidewalls define a cavity, the base having a top surface and a generally opposed bottom surface;

a leaf spring connected to the handle and confronting the arm, the leaf spring positioned between the sidewalls, the leaf spring having ~~a surface generally~~ an entire length of the leaf spring confronting the bottom surface of the base and ~~an opposite surface generally~~ at least a part of the entire length of the spring confronting the arm;

a pin pivotally connecting the handle to the arm, wherein the handle is pivotable between a closed position wherein ~~a portion of the receiver is~~ the hub is substantially positioned within the cavity, and an open position, wherein ~~the receiver~~ a portion of the hub is outboard of the cavity.

32. (Original) The operator of claim 31 further comprising a cover adapted to cover the rotary device.

33. (Original) The operator of claim 32 wherein the handle is positioned substantially flush with the cover when the handle is in the closed position.

34. (Currently Amended) The operator of claim 32 wherein the cover has an opening adapted to be positioned around the rotatable spindle.

35. (Original) The operator of claim 32 wherein ~~the cover~~ has a recess, wherein the handle ~~has a~~ knob, wherein the recess receives the knob when the handle is in the closed position.

36. (Original) The operator of claim 31 wherein the handle has a first end and a second end, wherein the handle has a knob rotatably connected to the second end.

37. (Canceled)

38. (Previously Presented) The operator of claim 31 wherein the handle further has an intermediate position between the open position and closed position.

39. (Original) The operator of claim 38 wherein the arm confronts and flexes the leaf spring when the handle is in the intermediate position.

40. (Original) The operator of claim 39 wherein the leaf spring is unflexed when the handle is in an approximate second half of the intermediate position towards the closed position.

41. (Previously Presented) The operator of claim 31 wherein the leaf spring is un-flexed when the handle is in the open position.

42. (Previously Presented) The operator of claim 31 wherein the leaf spring is un-flexed when the handle is in the closed position.

43. (Currently Amended) A fold down operator for a rotatable spindle of a window assembly, the operator comprising:

a hub having a receiver adapted to connect to the spindle, the hub further having an arm;

a handle pivotally connected to the arm, the handle having a base and a pair of sidewalls extending from the base, wherein the base and sidewalls define a cavity, the base having a top surface and a generally opposed bottom surface, the base having a peg extending into the cavity, each sidewall having a slot;

a leaf spring connected to the handle and confronting the arm, the leaf spring having a hole, the leaf spring received by the slots and the hole receiving the peg, the leaf spring having a ~~surface generally~~ an entire length of the leaf spring confronting the bottom surface of the base and an ~~opposite surface generally~~ at least a part of the entire length of the spring confronting the arm;

wherein the handle is movable between a closed position and an open position, an intermediate position defined between the closed position and the open position, wherein the arm flexes the leaf spring when the handle is in the intermediate position.

44. (Original) The operator of claim 43 wherein the flexing of the leaf spring provides tension that supports the weight of the handle.

45. (Original) The operator of claim 43 wherein the handle snaps into the open position when the handle moves from the intermediate position to the open position.

46. (Original) The operator of claim 43 wherein the leaf spring is un-flexed when the handle is in the closed position.

47. (Original) The operator of claim 43 wherein the leaf spring is un-flexed when the handle is in the open position.

48. (Currently Amended) An operator for a rotatable spindle for a casement window, comprising:

a cover having a cover body with an opening configured for passage of a window spindle, and having an outer recess formed of generally opposed sidewalls with an open terminal end of the recess;

a hub having a receiver configured for connection to a window spindle and having an arm extending radially outward of the receiver; ~~and~~

a handle pivotally connected to the hub at a hinge axis and having a knob positioned on the handle opposite the hub connection, the handle being movable relative said cover between a use configuration extending away from the cover, to a storage configuration wherein an extent of the knob is positioned within the recess and a gripping portion of the knob is exposed within the recess at the recess open end, the handle further having a base and a pair of sidewalls extending from the base, wherein the base and sidewalls define a cavity, the base having a top surface and a generally opposed bottom surface; and

a leaf spring connected to the handle, the leaf spring positioned between the sidewalls and having an entire length of the leaf spring confronting the bottom surface of the base and at least a part of the entire length of the leaf spring confronting the arm.

49. (Previously Presented) The operator of claim 48, wherein the knob has a terminal end surface that is exposed at the open terminal end of the cover recess.

50. (Previously Presented) The operator of claim 48, wherein at least a portion of the knob extends outward of the cover recess when the handle is in the storage configuration.

51. (Currently Amended) The operator of claim 48, wherein the ~~handle has a cavity positioned adjacent said connection to the arm, a spring member is positioned within the cavity and leaf~~

spring is positioned to engage a surface of the arm when the handle is moved between use and storage configurations.

52. (Currently Amended) The operator of claim 51, wherein the ~~spring member~~ is a leaf spring is positioned relative the arm to engage a protruding terminal end of the arm.

53. (Previously Presented) The operator of claim 52, wherein the protruding end of the arm comprises a body portion having a terminal end surface, and a thickness between the terminal end surface and the hinge axis being greater than a thickness between an adjacent surface and the hinge axis.

54. (Currently Amended) A fold down operator for a rotatable spindle of a window assembly, the operator comprising:

- a hub having a receiver adapted to connect to the spindle, the hub further having an arm;

- a handle pivotally connected to the arm, the handle having a first end and a second end, the first end located proximate the hub, the handle further having a base and a pair of sidewalls extending from the base, wherein the base and the sidewalls define a cavity, the base having a top surface and a generally opposed bottom surface, and the sidewalls having a pair of slots;

- a pin pivotally connecting the handle to the arm;

- a leaf spring, wherein the leaf spring is positioned between the pair of sidewalls and received by the pair of slots, an entire length of the leaf spring generally confronting the bottom surface of the base of the handle proximate the first end of the handle, and at least a part of the entire length of the spring confronting the arm;

wherein the handle is movable between a closed position, an open position, and an intermediate position defined between the closed position and the open position, wherein the arm flexes the leaf spring when the handle is in the intermediate position.

REMARKS

Claims 1, 3-5, 7-19, 23, 25-36 and 38-54 are pending. By this Reply, no claims have been added or canceled, and claims 1, 7, 16, 31, 34, 43, 48, 51, 52, and 54 have been amended. Accordingly, claims 1, 3-5, 7-19, 23, 25-36 and 38-54 are currently at issue.

Examiner Interview Summary

Examiner Lugo conducted an Examiner Interview via telephone with Applicant's attorney Paul J. Nykaza on August 8, 2006. In the interview, amendments to the pending independent claims were discussed, particularly with regard to claim 1, in view of the Harvey reference (USPN 6,450,063). It is Applicant's understanding that an agreement was reached regarding specific amendments that would make the claims allowable. Applicant's attorney thanks Examiner Lugo for his time in conducting the Interview.

Claim Rejections

In paragraph 3 of the Office Action, the Examiner rejected claims 1, 3-19, 23, 25-31, 36, 38-47, and 54 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,450,063 to Harvey et al. ("Harvey").

Also, in paragraph 5 of the Office Action, the Examiner rejected claims 32-35 and claims 48-53 under 35 U.S.C. §103(a) as being obvious over Harvey in view of U.S. Patent No. D497,304 to Stoll et al. ("Stoll").

Applicant has amended the claims as agreed in the Interview, and respectfully traverses these rejections with respect to the claims as amended.

35 U.S.C. §102 Rejections Over Harvey

Independent claim 1 requires, among other elements, "a leaf spring connected to the handle, the leaf spring positioned between the sidewalls and having an entire length of the leaf spring confronting the bottom surface of the base and at least a part of the entire length of the leaf spring confronting the arm." Harvey fails to disclose a spring positioned in this matter. In the Interview, the Examiner indicated that an amendment to claim 1 to include this element

would render claim 1 allowable over the cited prior art. Accordingly, Applicant submits that claim 1 is patentably distinct from Harvey and respectfully requests notice of the same. Applicant further requests allowance of dependent claims 3-15, which depend from claim 1 and contain all the elements thereof.

Independent claim 16 requires, among other elements, "a leaf spring connected to the handle, the leaf spring positioned between the sidewalls and having an entire length of the leaf spring confronting the bottom surface of the base and at least a part of the entire length of the spring confronting the arm." For the same reasons as stated above with respect to claim 1, Applicant submits that claim 16 is patentably distinct from Harvey and respectfully requests notice of the same. Applicant further requests allowance of dependent claims 17-19, 23, and 25-30, which depend from claim 16 and contain all the elements thereof.

Independent claim 31 requires, among other elements, "a leaf spring connected to the handle and confronting the arm, the leaf spring positioned between the sidewalls, the leaf spring having an entire length of the leaf spring confronting the bottom surface of the base and at least a part of the entire length of the spring confronting the arm." For the same reasons as stated above with respect to claim 1, Applicant submits that claim 31 is patentably distinct from Harvey and respectfully requests notice of the same. Applicant further requests allowance of dependent claims 36 and 38-42, which depend from claim 31 and contain all the elements thereof.

Independent claim 43 requires, among other elements, "a leaf spring connected to the handle and confronting the arm, the leaf spring positioned between the sidewalls, the leaf spring having an entire length of the leaf spring confronting the bottom surface of the base and at least a part of the entire length of the spring confronting the arm." For the same reasons as stated above with respect to claim 1, Applicant submits that claim 43 is patentably distinct from Harvey and respectfully requests notice of the same. Applicant further requests allowance of dependent claims 44-47, which depend from claim 43 and contain all the elements thereof.

Independent claim 54 requires, among other elements, "a leaf spring, wherein the leaf spring is positioned between the pair of sidewalls and received by the pair of slots, an entire length of the leaf spring generally confronting the bottom surface of the base of the handle proximate the first end of the handle, and at least a part of the entire length of the spring

confronting the arm.” For the same reasons as stated above with respect to claim 1, Applicant submits that claim 54 is patentably distinct from Harvey and respectfully requests notice of the same.

35 U.S.C. §103 Rejections Over Harvey in View of Stoll

Claims 32-35, through dependency from Claim 31, require, among other elements, “a leaf spring connected to the handle and confronting the arm, the leaf spring positioned between the sidewalls, the leaf spring having an entire length of the leaf spring confronting the bottom surface of the base and at least a part of the entire length of the spring confronting the arm.” The cited prior art fails to disclose a spring positioned in this matter. In the Interview, the Examiner indicated that amendments to the claims to include this element would render the claims allowable over the cited prior art. For the same reasons as stated above with respect to claim 1, Applicant submits that claims 32-35 are patentable over the cited prior art and respectfully requests notice of the same.

Independent claim 48 requires, among other elements, “a leaf spring connected to the handle, the leaf spring positioned between the sidewalls and having an entire length of the leaf spring confronting the bottom surface of the base and at least a part of the entire length of the leaf spring confronting the arm.” For the same reasons as stated above with respect to claims 32-35, Applicant submits that claim 48 is patentable over the cited prior art and respectfully requests notice of the same. Applicant further requests allowance of dependent claims 49-53, which depend from claim 48 and contain all the elements thereof.

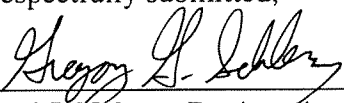
CONCLUSION

In light of the above amendments and remarks, Applicant submits that the pending claims are now in condition for allowance. Reconsideration and allowance of these claims is respectfully requested.

If it would expedite the progress of this application through the examination process, the Examiner is requested to call the undersigned attorney.

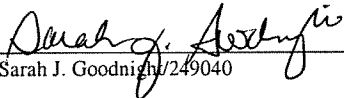
Respectfully submitted,

Date: August 10, 2006

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document and authorization to charge the deposit account is being facsimile transmitted to Examiner C. Lugo, Art Unit No. 3676, at the U.S. Patent and Trademark Office on August 10, 2006, to Fax No. 571-273-8300.


Sarah J. Goodnight/249040